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THE REGENTS OF THE UNIVERSITY OF
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DAKO NORTH AMERICA, INC. and DAKO
DENMARK A/S

[Additional Counsel appear on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA, ABBOTT
MOLECULAR INC., and ABBOTT
LABORATORIES INC.,

Plaintiffs,

v.

DAKO NORTH AMERICA, INC. and
DAKO DENMARK A/S,

Defendants.

AND RELATED COUNTERCLAIMS

Case No. C 05-03955 MHP

**STIPULATION AND STATUS REPORT;
[PROPOSED] ORDER**

The Honorable Marilyn Hall Patel

1 Pursuant to the Court's May 22, 2009 Order Vacating Trial Date, plaintiffs The Regents
2 of the University of California, Abbott Molecular Inc. and Abbott Laboratories Inc. and
3 defendants Dako North America, Inc. and Dako Denmark A/S ("Defendants"), (collectively "the
4 parties") hereby, through their respective counsel, provide the following status report to the
5 Court:

6 WHEREAS, the parties are continuing negotiations to finalize and execute a formal
7 Settlement Agreement, including a dismissal of the above-entitled action pursuant to the parties'
8 May 21, 2009 binding Memorandum of Understanding resolving the claims and counterclaims in
9 the above-entitled action;

10 WHEREAS, the parties expect the Settlement Agreement, including a dismissal of this
11 action, to be finalized shortly, but not before the June 19, 2009 date set forth in the Court's May
12 22, 2009 Order Vacating Trial Date;

13 The parties through the respective counsel hereby stipulate to and respectfully request the
14 Court to order as follows:

15 1. The above-entitled action is continued for an additional 21 days pending the
16 execution of a formal Settlement Agreement to include a dismissal of the above-entitled action.
17 The parties shall notify the Court by July 10, 2009 of the status of the litigation if no dismissal of
18 the action is filed by that date.
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1 Dated: June 18, 2009

FENWICK & WEST LLP

2 By: /s/ Carolyn Chang
3 Carolyn Chang

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15 and ABBOTT LABORATORIES INC.
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1 Dated: June 18, 2009

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2 By: /s/ Tina E. Hulse

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18 DAKO NORTH AMERICA, INC. and DAKO

DENMARK A/S

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20 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

21 I, Carolyn Chang, attest that concurrence in the filing of this document has been obtained
22 from any signatories indicated by a “conformed” signature (/s/) within this e-filed document

23 I declare under penalty of perjury that the foregoing is true and correct. Executed this
24 18th day of June, 2009 in Mountain View, California.

25 /s/ Carolyn Chang

26 Carolyn Chang

ORDER

Having reviewed the parties' Status Report and pursuant to the Stipulation, good cause appearing, it is hereby ORDERED:

1. The above-entitled action is continued for an additional 21 days pending the execution of a formal Settlement Agreement to include a dismissal of the above-entitled action. The parties shall notify the Court by July 10, 2009 of the status of the litigation if no dismissal of the action is filed by that date.

IT IS SO ORDERED.

Dated: June 19 , 2009

By: _____

The Honorable Judge Marilyn H. Patel
United States District Court for the Northern District of California

